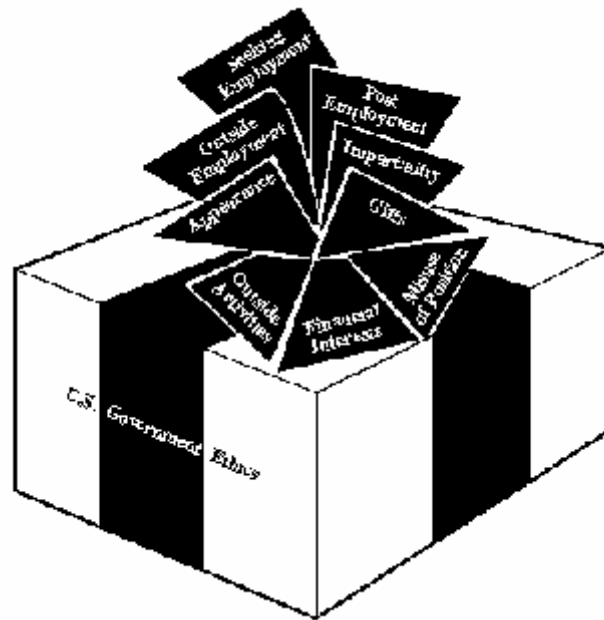




TO BE USED FOR ANNUAL ETHICS TRAINING--
CALENDAR YEAR 2004

An Ethics Pamphlet for Executive Branch Employees
(Originally created by Office of Government Ethics, with modifications by Federal
Aviation Administration Ethics Officials as appropriate.)



A Brief Wrap on Ethics

Introduction

This pamphlet provides a brief overview of the rules of ethical conduct that all employees should know and follow in order to recognize “ethics” questions when they come up and avoid problems before they occur. The pamphlet covers only the highlights of these rules which are called “ethics” rules. It answers everyday questions and provides examples of common situations that employees face. It does not describe each specific rule of conduct or cover unusual circumstances. If you have a question that is not answered here, you should discuss it with your supervisor or with an ethics official at your agency. Public service is a public trust. As Federal employees, each of us must always place loyalty to high ethical standards above private gain. Understanding and observing ethics rules is an essential element in fulfilling that trust.

In connection with your review of this briefing package, you are reminded that you have responsibilities as explained in Executive Order 12674 (Principles of Ethical Conduct for Government Officers and Employees); 5 C. F. R. Part 2635 (Standards of Conduct for Employees of the Executive Branch)¹; and 18 U. S. C. chapter 11 (Conflicts of Interests, particularly 18 U. S.C. §208); as they may be amended or supplemented from time to time.

The above referenced materials are available for review and copying in the Office of the Chief Counsel, Ethics Staff, AGC-100, and each Regional and Center Counsel Office. For additional information regarding ethical standards, go to: <http://www.usoge.gov/>

¹ The Standards are printed in FAA Order 3750.7, Ethical Conduct and Financial Disclosure, Appendix 6, dated 10/7/98, a copy of which should be on file in all offices and facilities for employee use. The Standards and Order may also be accessed on the web at: The Order - http://intraweb.tc.faa.gov/webpages/legal/ethics_order.pdf; (Appendix 1-5): <http://intraweb.tc.faa.gov/webpages/legal/Appendix%201-5.pdf> and Appendix 6 – Ethical Standards of Conduct for Employees of the Executive Branch (5 CFR Part 2635): <http://intraweb.tc.faa.gov/webpages/legal/Appendix%206.pdf> OR http://www.usoge.gov/pages/laws_regs_fedreg_stats/oge_regs/5cfr2635.html .

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Gifts from Outside Sources

IMPORTANT: *Unsolicited offers of no-charge transportation from state or local government agencies may be approved and accepted as specified in FAA Order 3750.6A (1/13/98) by FAA employees for official travel required to carry out the agency's statutory or regulatory duties. Go to:*

http://www.faa.gov/aba/html_policies/files_pdf/3750_6A.pdf

How do I know when I may not accept a gift?

With some exceptions mentioned later, you may not ask for or accept a gift from anyone who is giving the gift to you because of your Government job. Ask yourself if the gift would have been offered if you were not working for the Government. If the answer is no, then the gift is being offered because of your Government position and you cannot accept it.

Also, you may not ask for or accept a gift from people or organizations who do business with, or seek to do business with your agency, who seek some official action by your agency, or who have activities regulated by your agency. Gifts from these people or groups are prohibited whether or not you deal with them when doing your job. You must also turn down a gift from someone who has interests that may be significantly affected by you when you are doing your job.

What about accepting a cup of coffee?

A cup of coffee is all right. It is such modest refreshment that it is not considered a gift. So you may accept it without worrying about who is giving it or why. Other inexpensive food and refreshment items such as donuts or soda may also be accepted. There are some other items as well that are not considered gifts, such as greeting cards and bank loans at commercial rates. But remember that the definition of a gift is very broad. Generally, anything that has monetary value is considered a gift. So if you have a question about a gift, ask your ethics official.

May I accept a lunch?

It depends. Meals are gifts. If the person who wants to pay for your lunch is regulated by, does business with, or seeks official action by your agency, or is affected by the job you do, or if the meal is offered because of your position, then the rule on gifts applies. However, you may be able to accept a lunch or other meal under an exception for gifts valued at \$20 or less. But you may not go to lunch too many times as the guest of the same person because there is a \$50 per year limit on gifts from any one source.

Can the \$20 exception be used for any stuff other than lunch?

Yes, but no cash! The \$20 exception may be used to accept any gift that is not worth more than \$20. A pocket calculator, for example, could cost from \$5 to \$100 or more. So you have to be sure that the value of the gift is not greater than \$20.

There are some other things you should keep in mind before you use the \$20 exception. The rule allows you to accept gifts worth \$20 or less on a single occasion. That means if several gifts are given at the same time, their total value cannot exceed \$20. Again remember, there is a \$50 per year limit on gifts from the same source.

There are other exceptions that would allow you to accept gifts that would otherwise be prohibited, such as the “friends and family” exception for gifts based on personal relationships. Other examples are special discounts available through your agency credit union and gifts that result from an outside job when they are not given because of your Government position. All of the exceptions are subject to certain limits and some have conditions that must be met. Before using an exception, the best course to follow is to ask your ethics official about it. Your ethics official can also tell you how you may properly dispose of a gift that you have received but are not allowed to keep.

Some Things That May be Accepted

- *Alex may keep a pen worth \$15 that is given to him by a person whose license application he has processed.*
- *Janine may accept a tennis racket from her brother on her birthday even though he works for a company that does business with her agency, as long as he, not his company, paid for the gift.*
- *Louise may accept two \$8 tickets to a craft show that are offered to her by a company that has applied to her agency for a grant.*

Note: It is frequently prudent for an employee to decline an otherwise permissible gift offered by a prohibited source or because of the employee's official position.

Prohibited source is defined as any person who: 1) Is seeking official action by the employee's agency; 2) Does business or seeks to do business with the employee's agency; 3) Conducts activities regulated by the employee's agency; 4) Has interests that may be substantially affected by performance or nonperformance of the employee's official duties; or 5) Is an organization a majority of whose members are described in 1 through 4 above.

Gifts Between Employees

What about gifts to the boss?

With a few exceptions, the general rule is that you cannot give, make a donation to, or ask for contributions for, a gift to your official superior. An official superior includes your immediate boss and anyone above your boss in the chain of command in your agency. Also, an employee cannot accept a gift from another employee who earns less pay, unless the person giving the gift is not a subordinate and the gift is based on a strictly personal relationship.

When can I give my boss a gift?

There are certain circumstances in which gift giving is permitted. For example, you may give your boss a gift on an occasion when gifts are traditionally given or exchanged such as a birthday. At those times gifts valued at \$10 or less - but not cash - are permitted.

You may contribute a nominal amount for or bring food that will be shared in the office among several employees including your boss. You can also invite your boss to your home for a meal or a party. If your boss invites you to his or her home, you can take the same type of gift for your boss that you would normally take to anyone else's home for a similar occasion.

You may also give your boss a gift on a special, infrequent occasion of personal significance such as marriage, illness, birth or adoption. And you may give your boss a gift on an occasion that ends your employee-boss relationship, such as retirement, resignation or transfer.

For these special, infrequent occasions employees are also allowed to ask for contributions of nominal amounts from fellow employees on a strictly voluntary basis for a group gift.

And remember that gift giving is strictly up to you. A boss may never pressure you to give a gift or contribute to a group gift.

Some Gifts Permitted Between Employees

- *Nadia may collect small voluntary contributions from other persons in her office in order to buy a cake to celebrate the birthday of her supervisor or a co-worker.*
- *Clarissa may participate in the exchange of gifts in the office holiday grab bag by buying and contributing a tape cassette worth \$10.*
- *Kailash may collect contributions to purchase a fishing rod and tackle box for his boss when his boss retires and may suggest a specific, but nominal amount, provided that he tells his co-workers that they are free to contribute less or nothing at all.*
- *Ralph may bring a jar of macadamia nuts to his boss when he returns from his vacation in Hawaii.*

Conflicting Financial Interests

IMPORTANT: See page 8 - 10 concerning special restrictions on all FAA employees.

Suppose I don't own any shares of stock. Do I still have to think about financial conflicts of interest?

You might. A federal criminal law says that you cannot take official action in your job on matters that will have an effect on your own personal financial interests. Stock in a company that would be affected by your job is only one example of something that could give you such an interest. For instance, you could not act on something that would enable you personally to share in some grant or contract issued by the Government because you would have a financial interest in those matters.

You also must be concerned about the financial interests of your spouse, your minor children, and certain outside organizations like those that employ you. You should be concerned if anything you are asked to work on would affect them. If you are an officer or director in an outside organization, you may not act on a particular matter that would affect that organization. If you think you do have a conflict, you should discuss it with your supervisor or your ethics official.

Some Conflicts to Avoid

- *Rachel's husband works for a contractor that does business with her agency and receives a bonus based on the success of the contract. Rachel may not participate in the evaluation of the contractor's performance under the contract.*
- *Carlo is an officer in a neighborhood improvement organization that has applied to his agency for a rehab loan. Carlo may not work on his agency's review of the organization's application.*
- *Helen's husband owns a janitorial service company that does business with the Government. Helen cannot act on a proposal by the company to provide services to her agency.*

ALL FAA EMPLOYEES REGARDLESS OF POSITION, GRADE OR PAYBAND

SUPPLEMENTAL ETHICS REGULATIONS

PROHIBITED FINANCIAL INTERESTS IN AVIATION ENTITIES

5 C. F. R. Section 6001.104(b) : Prohibited Financial Interests

(b) *Federal Aviation Administration (FAA).* Except as provided in paragraph (c) and (d) of this section, ***no FAA employee or spouse or minor child*** of the employee, may hold stock or have any other securities interest in an ***airline or aircraft manufacturing company, or in a supplier of components or parts to an airline or aircraft manufacturing company.***

(c) *Exception.* The prohibitions in paragraph (b) of this section do not apply to a financial interest in a publicly traded or publicly available investment fund, provided that, at the time of the employee's appointment or upon initial investment in the fund, whichever occurs later, the fund does not have invested, or indicate in its prospectus the intent to invest more than 30 percent of its assets in a particular transportation or geographic sector and the employee neither exercises control nor has the ability to exercise control over the financial interest held in the fund.

(d) *Waiver.* An agency designee may grant a written waiver from the prohibition contained in paragraph (b) of this section, based on a determination that the waiver is not inconsistent with 5 CFR part 2635 or otherwise prohibited by law, and that, under the particular circumstances, application of the prohibition is not necessary to avoid the appearance of misuse of position or loss of impartiality, or otherwise to ensure confidence in the impartiality and objectivity with which FAA programs are administered. A waiver under this paragraph may be accompanied by appropriate conditions, such as requiring execution of a written statement of disqualification. Notwithstanding the granting of any waiver, an employee remains subject to the disqualification requirements of 5 CFR 2635.402 and 2635.502.

(e) *Period to divest.* An individual subject to this section who acquires a financial interest subject to this section, as a result of gift, inheritance, or marriage, shall divest the interest within a period set by the agency designee. Until divestiture, the disqualification requirements of 5 C.F.R. Sections 2635.402 and 2635.502 remain in effect.

This regulation became effective August 30, 1996, and continues in effect the FAA's long-standing policy and practice of prohibiting their employees, their spouses, and dependents, from having financial interests in entities subject to or substantially affected by regulations issued by the FAA. This long-standing policy was created in order to assure public confidence in the integrity of the programs and operations of the FAA. The agency has determined that the acquisition or holding of such financial interests would cause a reasonable person to question the impartiality and objectivity with which agency programs are administered. This policy applies to all employees regardless of their position or grade. Consideration whether or not an employee's duties involve the aviation-related enterprise is not relevant to the application of this prohibition.

Following is a copy of a memorandum and attachment signed by Administrator Marion Blakey on February 2, 2004, announcing the publication of a list of prohibited investments (not all inclusive) that can also be accessed at:

[Prohibited Investments.pdf](#)

If you have any questions, call your local Regional/Center Counsel office.



U.S. Department of
Transportation
Federal Aviation
Administration

Memorandum

Subject: **INFORMATION:** List of prohibited investments

Date: February 2, 2004

From: Administrator

Reply to

Attn. of:

To: All Employees

This is to announce publication of a list of prohibited investments. This list is not new but is being published for the first time. For over 25 years, the FAA has prohibited its employees from investing in airlines, aircraft manufacturing companies, and companies predominantly in the business of supplying goods and services to the aviation industry.

Notably, this publication of the list includes General Electric which had previously been omitted due to misunderstanding of the scope of its activities in the aviation field.

The list itself, its regulatory basis, and the underlying policy are available on the

FAA's homepage under the Office of Chief Counsel. Please address any questions about this matter to the Office of the Chief Counsel's Ethics Office, AGC-90.

A handwritten signature in black ink, reading "Marion C. Blakey".

Marion C. Blakey

Attachment

PROHIBITED INVESTMENTS

Domestic Airlines	Foreign Airlines	Aviation/Aerospace Cos.
		AAR
Air Tran Holdings	Aerolineas Argentina	Airbus Industrie
Air Wisconsin	AeroMexico	ALCOA
Airborne Inc	Air Canada	Aviall
Alaska Air Group	Air China Int'l	BAE Systems
Allegheny Airlines	Air France	BE Aerospace
America West Airlines	Air India	BF Goodrich Aerospace
AMR Corp (American Airlines)	Air New Zealand	Boeing
Atlantic Coast	Aer Lingus	Bombardier
Continental Airlines	Alitalia	EMBRAER
Delta Air Lines	All Nippon	Fairchild Dornier
DHL	Ansett Australia	General Dynamics
Evergreen Int'l	Avianca	General Electric
Express Jet Holdings	British Airways	Honeywell Int'l
FEDEX	Cathay Pacific	Lockheed Martin
Frontier Air	China Airlines	Mercury Air Group
Great Lakes Aviation	EgyptAir	Northrop Grumman
Hawaiian Holdings	El Al	Parker Hannifin
JetBlue Airways	Emirates	Raytheon
Mesaba Holdings	Finnair	Rockwell Int'l
Midwest Express	Garuda Indonesia	Rolls Royce
Mesa Air Group	Gulf Air	Textron
Northwest Air	Iberia	United Technologies
RyanAir Holdings	Japan Air System	
Skywest Inc	Japan Airlines	
Southwest Airlines	KLM	
UAL Corp	Korean Air	
US Airways Group	Lot Polish Airlines	
United Parcel	Lufthansa	
Virgin Express	Malaysia Airlines	
World Airways	Mexicana Airlines	
	Olympic Airways	
	Pakistan International	
	Phillippine Airlines	
	Qantas Airways	
	Royal Air Maroc	
	Sabena Airlines	
	Saudi Arabian Airlines	
	SAS	
	Singapore Airlines	
	South African Airways	
	Tap Air Portugal	
	Thai Airways	
	TransBrasil Airlines	
	Turkish Airlines	
	Varig	
	Virgin Atlantic	

Impartiality in Performing Official Duties

IMPORTANT: See page 12 for FAA restrictions concerning nepotism.

People talk about “improper appearances” and “a lack of impartiality.” What exactly do they mean?

Think of it as a question of fairness. Suppose you went to a baseball game and you found out that the umpire was the uncle of a player on one of the teams. Most people would say that the umpire should not work that game because there would be a strong appearance that he might not make the calls fairly and impartially.

A similar rule applies to you when you are doing your job. You should not act on a matter if a reasonable person who knew the circumstances of the situation could legitimately question your fairness. For example, your fairness might reasonably be questioned if you were to work on a project that could directly benefit a relative. The rule lists a number of such “covered relationships” with people and organizations that could pose a question of an “improper appearance.”

If you have a situation that you think might raise such a concern, then you should talk to an ethics official at your agency. He or she will be able to tell you whether or not there is an appearance problem and give you advice on how to deal with it.

Some Situations Where Fairness May be Questioned

- *Marvin's handling of a consumer complaint that has been submitted to his agency by his brother-in-law would raise a question about his impartiality.*
- *After 20 years with the same company, Pam accepts a job with the Government. For one year, she should consider whether her fairness would be questioned if she were to act on matters that specifically involve her former employer.*
- *Roy's working on an investigation of a company that is being represented by his brother would raise a question about his impartiality.*

NEPOTISM

To guard against favoritism or the appearance of favoritism with respect to a relative within an organizational chain of command, it is the policy of the FAA that close relatives may not be assigned to any position in which one relative may directly or indirectly supervise, control or influence the work or the employment status of the other relative or the affairs of the organizational unit in which the other relative is employed.

This policy is in addition to the general executive branch restrictions against nepotism set out in the FAA Personnel Management System, Chapter I, Section 2 (March 28, 1996). The term “relative” covers 27 types of family relationships. Also see Human Resource Policy Manual (HRPM), Chapter 1.2, Employment of Relatives, February 1, 1999.

Note: Questions regarding nepotism issues should be directed to your local Human Resource Management Division.

Seeking Other Employment

Suppose I'm looking for a part-time job to earn more money. Is there any problem with this?

No, but there are rules that may apply to you if you are looking for a job whether it is on a part-time basis (see pages 17 through 20 regarding outside activities, including part-time employment) or whether you are looking to leave the Government for a full-time position.

First, you need to know whether the person or company that you are thinking about working for could be affected by projects and other matters you work on for the Government. If the prospective employer could not be affected by the Government project, then the rules do not apply. If the project could affect your prospective employer, then you may need to stop working on that project.

Another thing to keep in mind is that these rules may apply to you sooner than you think. Depending on the circumstances and who the prospective employer is, even sending out a letter and resume could trigger the requirement that you avoid working on any project that could affect that prospective employer.

Talk with an ethics official before you look for a job, whether full or part-time. He or she can advise you about the rules on seeking employment. If you are thinking of looking for a part-time job, your ethics official can also tell you whether or not your agency has specific rules that apply to certain kinds of outside employment or that require you to obtain permission before you take a part-time job. The ethics official can also tell you about those things you will not be able to do for your new employer.

Looking for a Job

- *A company that is regulated by Todd's agency has asked him if he would like to talk about possible employment. Unless he responds by rejecting the invitation, Todd is seeking employment with that company and cannot work on matters that would affect it.*

- *Bernie has told a private company that he needs some more time to think about the company's job offer. As long as the offer is pending, Bernie cannot work on matters that will affect that company.*
- *Diane has written to the personnel office of a company that her agency regulates requesting that they send her a job application form. She has not begun seeking employment by simply asking for an application and she may work on matters affecting that company until she submits the application.*
- *More than two months have passed without a response of any kind since Claudia sent an unsolicited letter and resume to a company that is a party to a proceeding before her agency. Because of this length of time, Claudia is no longer considered to be seeking employment with the company.*

Misuse of Position

Suppose a friend asks me to help her with a complaint that she made to my agency about a problem that she is having with a finance company. Is it all right if I get the consumer affairs office to act more quickly on her problem?

The rule says that you cannot use your position with the Government for your own personal gain or for the benefit of others. This includes family, friends, neighbors or others. In this case, you would be using the access you have to the consumer affairs office because of your Government job to obtain special treatment for your friend. You may also be violating a criminal law if you act as a spokesperson on behalf of your friend to your agency. But you could find out if there is anyone who routinely takes calls from the public about the status of their complaints and provide that information to your friend.

At lunch some of my coworkers were talking about developing some specifications for a project that my agency will soon be putting out for bids. A friend of mine works for a company that is in the business and it might help him if he knew about what's coming along. Is it all right to tell him about the project without discussing the specifications?

That depends on whether the project itself is public information. You cannot use (or allow someone else to use) non-public information to benefit yourself or some other person. If information about the project has not been made known to the public and is not authorized to be made known upon request, then it is nonpublic information and cannot be disclosed. It makes no difference that you heard about it at the lunch table and not as a result of your official duties. If the fact that the agency is going to pursue the project is public, you can certainly make sure your friend knows when the agency publishes or makes available information about the project.

May I use the photocopier at work to make copies of a flyer for a bake sale at my child's school?

No. The rule says that you must conserve and protect Government property and that you cannot use Government property or allow its use other than for authorized purposes. It makes no difference whether you gain personally or whether the group you are helping is non-profit. You may not use the photocopying machine, or any other Government property, including supplies, computers, telephones, mail, records or Government vehicles for purposes other than doing your job unless otherwise authorized.

Suppose my boss asks me to help him do some work connected with some outside groups he belongs to. If I have free time during the day, is that something that I may do?

Official time at work is to be used for the performance of official duties. So the answer is no, unless there is some other specific authority which allows you to use your time at work for other purposes.

Some Things That Cannot Be Done with Government Time, Information and Resources

- *Karen may not keep her personal directory of addresses of family and friends on her computer at work.*
- *Ken cannot tell his friend to sell his stock in a company that Ken knows is under investigation by his agency.*
- *Joyce, who works as a real estate broker in the evening and on weekends, may not make or take calls at her Government office to or from potential real estate clients.*
- *Ahmad cannot use agency letterhead for a letter of recommendation for his brother-in-law for a job with an office supply company.*

Outside Activities

IMPORTANT: *An employee may not engage in outside employment or business if it is within the jurisdiction of the FAA facility where the employee is stationed. See pages 19 and 20.*

What about activities off the job, on my own time?

It depends on what you do and who you do it for. The rule says that you cannot engage in outside employment or any outside activity if it conflicts with the official duties of your Government job. There could be a conflict because of a law or agency regulation or because doing the outside activity would disqualify you from performing a significant amount of your Government duties. Also, you should check with your agency ethics official to see whether or not you need agency approval before you engage in an outside activity.

Suppose I teach the course on beginner swimming in the physical education department at the community college. Is that all right?

There are restrictions that apply to outside teaching, speaking and writing. Generally, if the activity relates to your official duties, the rule is that you cannot be paid for it. However, even if the course does relate to your work, there is an exception for teaching a course in the regular program of certain educational institutions that would allow you to teach the community college course. If your Government job requires you to deal with the community college or in any way affects the college's financial interests, you should check with your ethics official first before you accept the teaching position.

What about fundraising?

There are rules that apply to fundraising as a private individual. Basically you can engage in private fundraising outside the workplace as long as you do not ask for a contribution from a subordinate or from someone who is regulated by, does business with, or seeks official action by your agency, or has interests that may be substantially affected by you when you do your job. Also, you cannot use your title, position, or authority, or Government time or equipment, to further the fundraising effort. And you must avoid any action that would violate any of the other conduct rules. Fundraising in your official capacity is highly restricted by other laws and rules so you should always ask your ethics official first before engaging in that activity.

Some Things That Can and Can't Be Done off the Job

- *Carter's agency requires prior approval of outside activities including service as an officer or director of an organization. With his agency's approval, Carter may serve as an officer of his condominium association.*
- *Victoria may work as a part-time salesperson with a clothing store in the local shopping center so long as her official duties do not affect the company that owns the chain of clothing stores.*
- *Yolanda may not use her job title or position with a Federal law enforcement agency to raise funds for the police officers' association in her county.*
- *George, who processes Medicare claims, may not be paid for teaching a one-day seminar for a senior citizens' group on the Medicare program and how to fill out Medicare claims.*

**POLICY AND GUIDANCE ON OUTSIDE AVIATION
EMPLOYMENT/ACTIVITIES
BY FAA EMPLOYEES**

Parameters regarding outside employment and activities by Federal employees are contained in part in the Standards of Ethical Conduct for Employees of the Executive Branch (Ethical Standards), 5 C.F.R. Section 2635.801 *et. seq.*, Subpart H. In general, an employee's outside employment and other activities must comply with all of the *Ethical Standards*, including the principle that an employee shall endeavor to avoid actions creating an appearance that they are in violation of any of the ethical standards and the prohibition against use of official position for private gain.

The FAA has taken the position that limitations must apply to its employees who want to engage in aviation-related, part-time employment/business. Since the agency is solely responsible for the control of airspace and the promotion and enforcement of aviation safety in the United States, the appearance problem raised by the participation of its employees in outside employment/business in the aviation arena is considerable. The agency is unusual from the standpoint that a large number of its employees hold airman certificates, issued by the very agency for which they work. It is only by virtue of those certificates that employees may engage in flight operations or maintenance, whether for business or pleasure, in an environment that is, for all practical purposes, totally controlled and regulated by that same agency.

The agency's policy on outside aviation employment/business was established to avoid the creation of appearances in an attentive public's mind that conflicts of interest might exist while, at the same time, not completely shutting off all opportunities for agency employees to work in aviation enterprises in their off-duty time. The policy is based on each employee's duty to avoid any appearance of using public office for private gain or of losing the complete impartiality that is required in the performance of official duties. Avoiding such appearances is the key to maintaining public confidence in the integrity of the Federal Government. Thus, the circumstances of the employment must not give rise to an appearance of a conflict of interest with the employee's duties and responsibilities with the FAA. On the other hand, the agency is willing to permit its employees to have a reasonable opportunity to augment their incomes through part-time work in aviation enterprises.

Present FAA policy permits an employee to work in aviation-related activities, on a part-time basis provided that:

- the outside employment/business is not subject to the jurisdiction of the FAA facility where the employee is stationed -- this means that any aviation-related business activity which may be subject to inspection, air traffic control, licensing, certification, or other official contact by the FAA facility where the employee works, is essentially off-limits to the employee as a source of part-time employment--the prohibition is effective even though the employee personally has no official responsibility over the business in question as part of his or her FAA duties--to trigger the ban, it is enough that his or her employing organization, such as a FSDO, AFSS, Tower, *et cetera*, has such an official responsibility--all this is based on the appearance standard discussed above.
- the circumstances of the employment do not otherwise give rise to an appearance of a conflict of interest with the employee's duties and responsibilities with the FAA.
- the outside employment is not incompatible with the employee's Governmental duties (this includes outside employment which might impair an employee's mental or physical capacity to perform his or her Governmental duties); and
- official time and resources are not used in furtherance of any outside employment or activity.

See FAA Order 3750.7, Appendix 5 (1998) at:

<http://intraweb.tc.faa.gov/webpages/legal/Appendix%201-5.pdf>

Restrictions on Former Employees

IMPORTANT: *If you are thinking about leaving the Government, contact your Ethics official for a copy of the agency's post-employment memo, which summarizes the post-employment restrictions on former employees.*

Suppose I take a job in the private sector. Am I subject to any rules after I leave the Government?

Under Section 207 of Title 18, a criminal statute, all former employees may be subject to three post-employment restrictions; two other restrictions apply additionally only to senior officials paid at or above the rate of pay for Level 5 of the Senior Executive Service. In addition, employees who perform certain functions in procurements over \$10M are subject to a post-employment restriction created by the Procurement Integrity Act, 41 USC 423.

The ethics official of your former Government agency is available to answer any specific questions that might come up in your new employment and you should contact him or her in order to be sure that you perform the duties of your new employment in a lawful manner. It is a good idea to ask about these rules when you are asking about seeking employment. You will want to know if you are permitted to do the work your prospective new employer wants you to do before you take that job.

Some Things That Can and Can't Be Done After Leaving a Government Job

- *Walter may accept a job as a compliance officer with a company that is regulated by his former agency. Walter may have some limitations in communicating with his former agency on his company's behalf.*
- *Rudolf may not represent his new private employer in a dispute with the Government over a security services contract that he reviewed while working for the Government.*
- *For two years, Zenia may not represent her new employer before her former agency regarding investigations conducted by her subordinates during her last year of Government service.*

**Electronic
Mail Policy
Order 1370.81A
Effective 05/13/02**

IMPORTANT: *This order has been summarized for the purposes of ethics training only. See complete Order at:*

http://www.faa.gov/aio/common/documents/1370_81A.pdf

PURPOSE. This order establishes agencywide Federal Aviation Administration (FAA) policy on the use, operation and management of the FAA's administrative electronic (e-mail) system by FAA users. FAA users is defined as individuals authorized to use FAA electronic information systems, including the FAA e-mail system, as part of their assigned duties. This includes FAA employees and support contractors.

SCOPE. This order applies to all offices, services, regions, centers, employees, contractors, support personnel, and all others who use or administer the FAA e-mail system.

POLICY. The FAA e-mail system shall be used to improve information dissemination and support business transactions within prescribed mandates, laws, and restrictions.

a. **Use of the FAA E-Mail System.** The FAA e-mail system shall be available only for authorized activities, as detailed in this paragraph.

(1) **Authorized Use.** The FAA e-mail system shall be used:

(a) For valid work requirements (e.g., exchange of information that supports the FAA mission, goals, and objectives; and business-related communications with colleagues within the FAA, the public, other Government agencies, academia, industry, and international civil aviation authorities).

(b) For limited personal use (e.g., brief communications), provided such use does not:

1 Interfere directly or indirectly with FAA computer or networking services;

- 2 Burden FAA with additional incremental cost;
- 3 Interfere with an FAA user's employment or other obligations to the Government;
- 4 Reflect negatively on the FAA or its employees; or
- 5 Violate any Federal or FAA rules, regulations, or policies.

(2) **Unauthorized Use.** Improper use of the FAA e-mail system includes:

- (a) Using the FAA e-mail system for any purpose that violates the law or FAA rules, regulations, and policies;
- (b) Concealing or misrepresenting user identity or affiliation in electronic messages;
- (c) Accessing or altering source or destination addresses of e-mail;
- (d) Intentionally propagating chain letters, broadcasting inappropriate or unsolicited messages (e.g., non-business matters) to lists or individuals, and comparable resource-intensive unofficial activity;
- (e) Using the FAA e-mail system for any commercial purpose, for financial gain, or in support of outside individuals or entities;
- (f) Intentionally viewing, transmitting, collecting, or storing vulgar, abusive, discriminatory, obscene (including sexually explicit or pornographic materials), or harassing messages or material;
- (g) Attempting to libel, slander, or harass other users;
- (h) Posting to external newsgroups, bulletin boards, or other public forums, unless it is a business-related requirement, closely related to the employee's area of expertise, and appropriate office approvals have been obtained;
- (i) Engaging in matters directed toward any unauthorized fundraising, lobbying, or partisan political activities; and

(j) Representing the agency in an official capacity when not authorized to do so.

b. Conduct on the FAA E-Mail System by FAA Users. Standards of ethical conduct and appropriate behavior apply to the use of FAA computer networks, including the FAA e-mail system. All FAA users shall conduct activities on the FAA e-mail system with the same integrity as in face-to-face business transactions.

c. All information created, transmitted, received, obtained, accessed, or in any way captured electronically using the FAA e-mail system is the property of the U.S. Government.

RESPONSIBILITIES.

a. E-mail users shall:

1. Utilize e-mail only in support of their official duties and responsibilities, except as specified in this order for limited incidental use.
2. Identify and preserve e-mail messages that are official records, consistent with paragraph 12 of this order.
3. Follow all rules of information security and privacy including those detailed in paragraphs 13 and 14 of this order.

RECORDS MANAGEMENT.

a. The FAA e-mail system is not an approved official records system.

b. All Government employees and contractors are required by law to make and preserve records containing evidence of the organization, functions, policies, decisions, procedures, and essential transactions of the agency. These records must be properly maintained and preserved as prescribed in Order 1350.14, Records Management, as follows:

1. The sender of a FAA created e-mail is responsible for preserving the record.
2. The office responding to an external e-mail is responsible for preserving the incoming e-mail as an agency record.
3. All other recipients' copies of the e-mail are not records and may be destroyed when no longer needed.

c. Any electronic materials that are determined to be records, shall be disposed of in compliance with the General Records Schedules as published by the National Archives

and Records Administration or FAA specific Archivist-approved records schedule, such as Order 1350.15, Records Organization, Transfer, and Destruction Standards.

d. Users may purge or delete e-mail and attachments that are official FAA records after printing and storing or properly electronically storing in approved official records systems.

SECURITY.

a. **Classified Information.** The FAA e-mail system shall not be used for the creation, storage, processing, or transmission of any classified information.

b. **Privacy/Confidentiality.** The contents of U.S. Government-owned and/or funded electronic information systems including e-mail are the property of the U.S Government and may be subject to audit and inspection. **No FAA user should have the expectation of personal privacy or ownership using any FAA electronic information or communication equipment.**

c. **Unauthorized Access.** Unauthorized access includes, but is not limited to, access beyond an individual's authorization limits and accessing the contents of another individual's (or group's) e-mail. Order 1370.82, Information Systems Security Program, requires that information be properly protected from unauthorized access.

d. **Sensitive Information.** Sensitive information is information meeting specific standards that require additional protection against unauthorized disclosure (i.e. the Trade Secrets Act or 49 CFR 1520, Protection of Sensitive Security Information (replaced 14 CFR Part 107)). Certain specific procedures must be followed when using the FAA e-mail system to forward sensitive information (see paragraph 13 of this order).

PRIVACY ACT. The use of e-mail to transfer information covered under the Privacy Act should not be done, as this leaves that information extremely vulnerable to inadvertent or improper disclosure. The transfer of Privacy Act information in the body of an e-mail, or the attachment of a Privacy Act record to an e-mail, allows that information to be forwarded to other, possibly unauthorized personnel, or to be printed and left visible for unauthorized personnel to see. Refer to Order 1280.1, Protecting Privacy of Information About Individuals, for further information on the Privacy Act.

FREEDOM OF INFORMATION ACT (FOIA). E-mail messages and attachments are subject to FOIA requests. Under the FOIA, users and system administrators are obligated to conduct a reasonable search of all FAA information and records, including electronic

data that could be responsive to the request. Searches of these electronic files are pursued to the same extent that such searches would be pursued in general hard copy files. Refer to Order 1200.23, Public Availability of Information, for further information on FOIA.

**Internet
Use Policy
Order 1370.79A
Effective 10/12/99**

IMPORTANT: *This order has been summarized for the purposes of ethics training only. See complete Order at:*

http://www.faa.gov/aio/common/documents/1370_79A.pdf

PURPOSE. This order establishes agency-wide Federal Aviation Administration (FAA) policy on the appropriate use of the Internet, which includes electronic messaging.

SCOPE. This policy applies to all FAA employees and contractors accessing the Internet using FAA resources.

POLICY. FAA Internet resources shall be used within prescribed mandates, laws, and restrictions to improve information dissemination and to support business transactions.

a. **Use of the FAA Internet Resources.** FAA Internet resources shall be available only for authorized activities, as detailed in this paragraph.

(1) **Authorized Use** - FAA Internet resources shall be used:

(a) For valid work requirements (e.g., exchange of information that supports the FAA mission, goals, and objectives; job-related professional development for FAA management and staff; access to scientific, technical, and other information that has relevance to FAA; and business-related communications with colleagues in Government agencies, academia, and industry).

(b) for limited personal use (e.g., brief communications or Internet searches), provided such use does not:

1 Interfere directly or indirectly with FAA computer or networking services;

2 Burden FAA with additional incremental cost;

3 Interfere with an FAA user's employment or other obligations to the Government;

4 Reflect negatively on the FAA or its employees; or

5 Violate any Federal or FAA rules, regulations, or policies.

(2) **Unauthorized Use.** Improper use of FAA Internet resources includes:

(a) Using the Internet for any purpose that violates the law or FAA rules, regulations, and policies;

(b) Concealing or misrepresenting user identity or affiliation in electronic messages;

(c) Accessing or altering source or destination addresses of e-mail;

(d) Interfering with the supervisory or accounting functions of computer resources, including attempts to obtain system privileges unless authorized by system owners;

(e) Propagating chain letters, broadcasting inappropriate or unsolicited messages (e.g., non-business matters) to lists or individuals, and comparable resource-intensive unofficial activity;

(f) Using FAA Internet resources for any commercial purpose, for financial gain (including gambling), or in support of outside individuals or entities;

(g) Seeking, viewing, transmitting, collecting, or storing vulgar, abusive, discriminatory, obscene (including sexually explicit or pornographic materials), harassing messages or material;

(h) Attempting to libel, slander, or harass other users;

(i) Posting to external newsgroups, bulletin boards, or other public forums, unless it is a business-related requirement, closely related to the employee's area of expertise, and appropriate office approvals have been obtained;

(j) Engaging in matters directed toward any unauthorized fundraising, lobbying, or partisan political activities;

(k) Interfering with legitimate Internet service of any authorized FAA user;
and

(l) Representing the agency in an official capacity when not authorized to do so.

b. Conduct on the Internet by FAA Users. Standards of ethical conduct and appropriate behavior apply to the use of FAA computer networks, including the Internet. All FAA users shall conduct activities on the Internet with the same integrity as in face-to-face business transactions.

c. Internet Security. All FAA users shall take appropriate measures to comply with FAA Order 1370.82, FAA Information systems Security Program, which is currently in draft and will replace Order 1600.54B, FAA Automated Information Systems Security Program, to preclude security risks such as viruses and unauthorized disclosure of sensitive information. FAA users, managers, and administrators using FAA Internet resources shall receive initial and periodic security awareness training appropriate for use on the Internet.

d. Management and Administration of FAA Internet Activities. Use of FAA Internet resources shall be managed in a manner that is consistent with good customer service principles, employs sound business practices, and effectively represents the best interests of the FAA.

(1) **Monitoring of Internet Usage.** FAA users must be aware that they have no expectation of privacy while using any Government-provided access to the Internet. Employee Internet and electronic messaging activities may be subject to monitoring, recording, and periodic audits to ensure that the system is functioning properly and to protect against unauthorized use.

(2) **Usage Statistics.** As a management function, evaluation of site usage data (log files) is a valuable way to evaluate the effectiveness of websites. However, collection of data from publicly accessible sites for undisclosed purposes is inappropriate. There are commercially available software packages that will summarize log file data into usable statistics for management purposes, such as the most/least requested documents, type of browser software used to access the website, etc. Use of this type of software is appropriate, as long as there is full disclosure as specified in the privacy and security notices and as long as there is compliance with records management storage and disposal requirements. Appendix 1, Privacy Notice, contains information about how personal

information is handled when a person visits the FAA website. Appendix 2, Key Government guidance with Potential Internet Impact, contains information on compliance with Federal regulations.

(3) **User-Identifying Collection Methods for Public Websites.** In accordance with Appendix 1, Privacy notice, it is prohibited to use methods that collect user information such as extensive lists of previously visited sites, e-mail addresses, or other information to identify or build profiles on individual visitors to the FAA public website. It is permissible to collect or store non-user-identifying information; however, users shall always be notified of what information is collected or stored, why the information is being collected or stored, and how that information is being used.

(4) **Compliance with Applicable Laws, Regulations, etc.** A number of requirements contained in laws, regulations, Executive orders, and FAA orders guide FAA Internet use (appendix 2). FAA organizations shall ensure that FAA users comply with applicable Federal and departmental requirements.

(5) **Decisional Authority.** Each office that reports directly to the Administrator shall designate one or more person(s), at the Director level or below, as accountable for making day-to-day decisions about Internet site development, maintenance, content, consistency and/or linkage with other Internet sites, and infrastructure investments. The person(s) designated by the office shall be responsible and accountable for sites developed and support by that office. Appendix 3, FAA disclaimer and Liability Notice, contains information on liability and censorship of information.

RESPONSIBILITIES.

- a. The Office of Information Services and Chief Information Officer is responsible for developing agency policies and procedures for Internet use.
- b. The Office of Acquisitions is responsible for the management and maintenance of the FAA website and establishing the linkages from the FAA public website to other official websites.
- c. The Office of Personnel is responsible for providing a copy of this order to each new employee during orientation.
- d. All FAA managers and supervisors are responsible for providing their employees with a copy of this order and ensuring proper use of the Internet.

POLITICAL ACTIVITIES HATCH ACT AND IMPLEMENTING REGULATIONS

There are various restrictions on Federal employee involvement in political activities. Questions regarding political activities should be addressed to the Office of Special Counsel (OSC) at 1-800-854-2824. Additional information on political activities under the Hatch Act may be accessed on the OSC's website at:

<http://www.osc.gov/hatchact.htm>

**CERTIFICATION OF TRAINING
2004 ANNUAL ETHICS TRAINING
“A BRIEF WRAP ON ETHICS”**

I hereby certify that I have reviewed the 2004 ethics training package entitled, “A BRIEF WRAP ON ETHICS.”

Printed Name

Signature

Position

Office Symbol/phone

Date